



A concise explanation of the relevance of the foreign language documents as required by 37 CFR 1.98 is attached. On information and belief, this concise explanation is from the point of view of that person identified in 37 CFR 1.56 who is most familiar with the subject matter.

This submission is filed before a first action on the merits has been mailed after filing a Request for Continued Examination.

## **DISCUSSION OF LISTED DOCUMENTS**

With regard to the U.S. Patent No. 6,430,844 listed on the attached PTO-1449/SB-08, this patent was cited by Examiner Stashick in another case assigned to the present assignee, and Applicants therefore believe the Examiner was previously aware of this document. However, it is cited in the present submission in an abundance of caution to ensure that the Examiner has in fact had the opportunity to consider it.

Also attached are documents initially provided to Applicants by an adverse party that is attempting to invalidate the '844 patent in litigation. Applicants submit these materials, as well as Customs rulings that were discovered by Applicants while investigating this matter, in an abundance of caution so that the Examiner is fully aware of any potential prior art.

In accordance with MPEP Sections 609 and 707.05(b), it is requested that each document cited (including any cited in applicant's specification which is not repeated on the attached Form PTO-1449/SB-08) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing Form PTO-1449/SB-08 next to the document. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

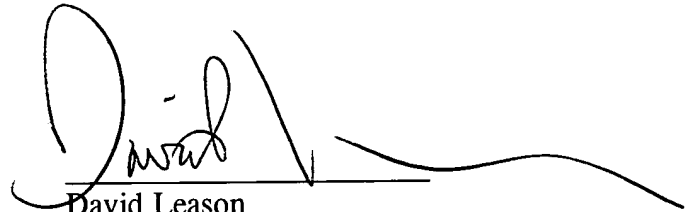
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The present Information Disclosure Statement is being submitted in compliance with 37 CFR 1.56, but the citation of such document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner, in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 CFR 1.104(a) and in the course of each search, will review for relevance every document cited on the attached form even if not initialed.

It is believed that no fee is due. However, if the Commissioner determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. 04-0100 for any deficiency.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David Leason', is written over a horizontal line. The signature is fluid and cursive.

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Dated: August 8, 2003

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<b>Substitute for form 1449A/B/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/049,316
				Filing Date	February 8, 20021
				First Named Inventor	Michael SAFDEYE, et al.
				Art Unit	3798
				Examiner Name	Anthony Stashick
				Attorney Docket Number	7529/1F590US1
Sheet	1	of	1		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	1	6,430,844 B1	08/13/2002	Otis	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)			
	2	CN 2244835Y	01/15/1997		
	3	CN 2405451Y	11/15/2000		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	4	Agent's confirmation (with unverified translation) for Purchase Order 65113 to be delivered March 26, 1999 for "Chenille Slipper, White TPR with Canvas Wrap Sole";
	5	Color pictures of chenille slipper allegedly corresponding to Purchase Order 65113, slippers including a hang tag, and an image of the alleged hang tag including handwritten and unverified translations into English;
	6	Weisner Purchase Orders 11051 and 11052 for ladies clogs with open knit collar, style number 9122Navy and 9122Burg, respectively (March 29, 1999);
	7	Agent's confirmations showing Purchase Order Numbers 11051 and 11052 and the delivery date of July 15, 1999 in English (2 pages);
	8	New York Ruling D89353 on behalf of Weisner Products, Inc. (April 21, 1999; 2 pages);
	9	New York Ruling E86018 on behalf of Weisner Products, Inc. (September 13, 1999; 2 pages);
	10	Copy of Complaint No.: 4:03CV00774TCM; and
	11	Copy of Dority & Manning letter dated June 3, 2003

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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Examiner Signature		Date Considered	
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